

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROTHSCHILD PATENT IMAGING,
LLC

Plaintiff,

v.

H&M SYSTEM SOFTWARE, INC.

Defendant.

No. 1:22-cv-01161-NLH-AMD

OPINION & ORDER

APPEARANCES

Mark Aaron Kriegel, Esq.
1479 Pennington Road
Ewing, NJ 08618
Attorney for Plaintiff.

HILLMAN, District Judge

WHEREAS, on March 3, 2022, Plaintiff initiated the instant action alleging one count under 35 U.S.C. § 271 for Infringement of United States Patent No. 8,437,797 ('797 Patent) (ECF No. 1); and

WHEREAS, Plaintiff has averred in its filings that the Complaint was served upon Defendant on March 31, 2022 (ECF No 5-2, ¶ 2); and,

WHEREAS, after more than twenty-one (21) days passed without any response from Defendant, Plaintiff filed a Request for Clerk's Entry of Default Judgment (ECF No. 5) on July 28, 2022 and default was entered July 29, 2022; and

WHEREAS, on November 1, 2022, Plaintiff filed the instant Motion for Default Judgment (ECF No. 7); and

WHEREAS, on May 4, 2023, this Court held a hearing on Plaintiff's Motion for Default Judgment (ECF No. 8); and

WHEREAS, during the hearing, Plaintiff's counsel provided the court with a photocopy of an unsigned United States Postal Service Return Receipt green card to indicate that in addition to personally serving Defendant via acceptance by a random person at an address in Delaware that had been associated with Defendant, service was also attempted via mail; and

WHEREAS, counsel was instructed to file the exhibit of record; and

WHEREAS, as of today's date, counsel has not done so; and

WHEREAS, during the hearing, the court determined there was insufficient evidence of record to establish service of the Complaint on the proper party; and

WHEREAS, during the hearing, this Court determined there was insufficient evidence of record to establish an appropriate licensing fee and offered Plaintiff injunctive relief upon proof of service; and

WHEREAS, as of this date, Plaintiff has not notified the court that it wishes to obtain the injunctive relief offered by the court; and

WHEREAS, as of this date, the issues of service, licensing fee and injunctive relief remain unresolved,

THEREFORE, it is on this 2nd day of June 2023,

ORDERED that Plaintiff's Motion for Entry of Default Judgment (ECF No. 7) be, and the same hereby is, DENIED without prejudice.

At Camden, New Jersey

/s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.